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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,892	11/20/2003	Robert A. Koch	BS02301CON2	9410
38516 7590 05/15/2008 SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519				
EXAMINER				
DESIR, PIERRE LOUIS				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,892

Applicant(s)

KOCH ET AL.

Examiner

PIERRE-LOUIS DESIR

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/25/2008 has been entered.

Terminal Disclaimer

2. The terminal disclaimer filed on 04/25/2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7127051 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

3. Applicant's arguments filed on 02/26/2007 have been fully considered but they are not persuasive.

The independent claims have been amended. And, with the amendment, applicant argues that the claims in the present application cannot be obvious over the combined teaching of Fuller and Jones because these claims recite, or incorporate, features that are not taught or suggested by Fuller and Jones, and that the independent claims have been amended to recite features similar to those allowed in U.S. Patent 7,127,051.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims recite features that are not taught by the cited references without specifically pointing out how the language of the claims patentably distinguishes them from the references.

For example, independent claim 1 has been amended with the following subject matter:
“...receiving a call at a service-providing network, the call routed from a native transport network to a virtual telephone number in the service-providing network...providing the advanced telephony service to the call, wherein the virtual circuit telephone number utilizes the intelligent services provided by the service-providing network; routing said call from the service-providing network to a terminating network destination...”

On 10/29/2007, the following language was presented in claim 1, “ a method for monitoring communications usage, comprising: receiving a call directed to a virtual telephone number in a service-providing network, the call originating from a native transport network having limited capability of providing advanced telephony service, the virtual telephone number associated with a dialed telephone number in the native transport network, the service-providing network providing intelligent services to said call, wherein the virtual telephone number utilizes the intelligent services provided by the service-providing network; routing said call to the separate native transport network for termination; and monitoring a duration of said call traversing the service-providing network. “

As seen above, the language disclosed in both claims is similar. Therefore, Applicant is referred to below action on the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-8, 10-14, 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller (US Patent Number 6,775,546) in view of Jones et al. (US Patent Number 6195,422).

Regarding claims 1 and 11, Fuller discloses a method and system for monitoring communications usage (Figures 2 and 3), comprising:

receiving a call (step 300 - Figure 3; column 8, line 55) at a service-providing network (the network depicted in Figure 2 at least including elements 41, 42, 43, 44), the call routed from a native transport network (the network depicted in Figure 2 at least including elements 21, 30, 47) directed to a virtual telephone number ("common" or "virtual fixed line number" column 3, lines 31-38) in the service-providing network (the network depicted in Figure 2 at least including elements 41, 42, 43, 44), the native transport network having limited or no capability (capability is fairly characterized as "limited") of providing advanced telephony service (step 303 -Figure 3; column 10, lines 12-14; column 5, lines 9-27); providing the advanced telephony service to the call (for example: voice mail (VMS), call forwarding, etc - column 6, lines 45-50; Figure 2), wherein the virtual telephone number utilizes the intelligent services provided by the service-providing network (for example: voice mail (VMS), call forwarding, etc - column 6, lines 45-50; Figure 2); routing said call from the service-providing network (the network depicted in Figure 2

at least including elements 21, 30, 47) to a terminating network destination (step 303 -Figure 3; column 10, lines 12-14). (See also column 5, lines 9-27).

The two networks are considered "separate" as claimed because the service-providing network (the network depicted in Figure 2 at least including elements 41, 42, 43, 44) is wireline network while the native transport network (the network depicted in Figure 2 at least including elements 21, 30, 47) is wireless network as depicted in Figure 2.

Although Fuller discloses billing or charging for the call in a fixed-t0-mobile basis (column 10, lines 15-17), Fuller does not specifically disclose monitoring the duration of the call traversing the service-providing network as claimed by applicant.

However, Jones et al. discloses a method including monitoring a duration of a call for billing purposes. After accepting a call (step S 14 - Figure 4) the service-providing system/network (CCS 18), routes the call (step S 16 -Figure 4), monitors the duration of the call and generates a bill (step S 17 - Figure 4); see column 14, lines 4-19 (especially line 8). Jones et al.'s method has the advantage of providing for better accuracy of billing since the call is monitored and timed.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to monitor the duration of the call in Fuller's invention as suggested by himself by teaching billing or charging for the call because such monitoring provides for accuracy of billing.

Regarding claim 2, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). In addition, as explained above the combination discloses monitoring a status of said call (monitoring for billing: step S 17 - Figure 4; see column 14, lines 4-19 (especially line

8) - Jones et al.).

Regarding claim 3, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). In addition, as explained above Fuller discloses routing said call to an original destination via the separate native transport network (step 303 -Figure 3; column 10, lines 12-14; column 5, lines 9-27).

Regarding claim 5, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). In addition, Fuller discloses that the service-providing network is a network selected from the group consisting of a wireline network, a wireless network, and a packet-switching network. For example, wireline/fixed-line network (depicted in Figure 2 at least including elements 41, 42, 43, 44).

Regarding claim 6, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). In addition, Fuller discloses associating the virtual telephone number to a wireless telephone number existing in the native transport network (the telephony device includes an identifier: MSISDN - column 3, lines 39-40. "There is an association in the switching network between this number and the MSISDN, such that incoming calls made to the virtual fixed-line number are translated to the MSISDN number" - column 2, lines 3-6. "The SCP 43 ... converts the number to ,an MSISDN" - column 5, line 57; see also column 8, lines 55-57. SCP 43 includes a database - column 8, line 48. HLR44 includes a database - column 5, line 30).

Regarding claim 7, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). In addition, Fuller discloses associating the virtual telephone number to "another" telephone number existing in the native transport network (the telephony device includes an identifier: MSISDN - column 3, lines 39-40. "There is an association in the switching network

between this number and the MSISDN, such that incoming calls made to the virtual fixed-line number are translated to the MSISDN number" - column 2, lines 3-6. "The SCP 43 ... converts the number to an MSISDN" - column 5, line 57; see also column 8, lines 55-57. SCP 43 includes a database - column 8, line 48. HLR 44 includes a database - column 5, line 30).

Regarding claim 8, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). In addition, Fuller discloses that the native transport network is a network selected from the group consisting of a wireline network, a wireless network, and a packet-switching network. For example, wireless network (depicted in Figure 2 at least including elements 21, 30, 47)

Regarding claim 10, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). In addition, Fuller further discloses billing the subscriber (user; account) based on the duration of the call ("billing system 49 [...] generates billing information for charges incurred by the user of the handset 21" - column 5, lines 44-46; "billing system 49 is controlled to charge the common number account for the fixed-to-mobile leg of the call" - column 10, lines 15-17). Jones et al. also discloses billing the subscriber (customer) based on a duration of the call (step S 19 - Figure 4).

Regarding claim 12, Fuller and Jones et al. disclose everything claimed as applied above (see claim 11). In addition, as explained above the combination discloses the intelligent service also monitors a status of the call (monitoring for billing: step S !7 - Figure 4; see column 14, lines 4-19 (especially line 8) -Jones et al.).

Regarding claim 13, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). In addition, as explained above Fuller discloses routing said call to an original

destination via the separate native transport network (step 303 -Figure 3; column 10, lines 12-14; column 5, lines 9-27).

Regarding claim 14, Fuller and Jones et al. disclose everything claimed as applied above (see claim 11). In addition, Fuller discloses (a database i.e., SCP 43 / HLR 44 either singularly or in combination) associating the virtual telephone number to "another" telephone number existing in the native transport network (the telephony device includes an identifier: MSISDN - column 3, lines 39-40. "There is an association in the switching network between this number and the MSISDN, such that incoming calls made to the virtual fixed-line number are translated to the MSISDN number" - column 2, lines 3-6. "The SCP 43 ... converts the number to an MSISDN" - column 5, line 57; see also column 8, lines 55-57. SCP 43 includes a database - column 8, line 48. HLR 44 includes a database - column 5, line 30. Therefore, SCP 43 / HLR 44 either singularly or in combination read as the claimed database).

Regarding claim 16, Fuller and Jones et al. disclose everything claimed as applied above (see claim 11). In, addition, Fuller's service-providing network is fairly characterized as an advanced intelligent network as claimed. Furthermore, Jones et al.'s service-providing network is an advanced intelligent network as claimed (column 5, line 10).

Regarding claims 18-19, Fuller and Jones et al. disclose everything claimed as applied above (see claim 11). In addition, Fuller discloses wherein the service-providing network modifies caller information associated with the call (messages accompanying the call). (The telephony device includes an identifier: MSISDN - column 3, lines 39-40. "There is an association in the switching network between this number and the MSISDN, such that incoming calls made to the virtual fixed-line number are translated to the MSISDN number" - column 2,

lines 3-6. "The SCP 43 ... converts the number to an MSISDN" - column 5, line 57; see also column 8, lines 55-57). The call is not routed back to the service-providing network in an endless loop because the call is properly routed/forwarded (column 6, lines 45-50; Figure 2).

6. Claims 9, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller (US Patent Number 6,775,546) in view of Jones et al. (US Patent Number 6195,422) as applied to claims 1 and 11 above, and further in view of Dent (US Patent Application Publication Number 2003/0050100).

Regarding claim 9, Fuller and Jones et al. disclose everything claimed as applied above (see claim 1). However, Fuller and Jones et al. fail to specifically disclose billing a telecommunications provider of said native transport network for said monitoring. Dent discloses a method including monitoring a duration of a call (steps 206-212 - Figure 4) for billing purposes (step 214 - Figure 4); see paragraph 0027. "Apart from the economic benefits, communication quality benefits from the ability to access a larger number of antenna sites 12 allowing more frequent use of transmit and receive diversity to improve communications" - paragraph 0028. Another advantage is providing for better accuracy of billing since the call is monitored and timed.

In addition, Dent discloses billing a telecommunications provider of a native transport network for said monitoring; see paragraph 0016, especially last sentence, paragraph 0027, especially last three sentences, and paragraph 0026, especially last two sentences. Dent's method has several advantages such as cross-bill (paragraph 0026, last two sentences), and enhanced roaming services (paragraph 0006).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fuller and Jones et al. for billing a telecommunications provider of a native transport network for said monitoring for the advantage of cross-billing and allowing enhanced roaming services.

Regarding claim 15, Fuller and Jones et al. disclose everything claimed as applied above (see claim 11). In addition, Fuller discloses (a database i.e., SCP 43 / HLR 44 either singularly or in combination) associating the virtual telephone number to a voice-based telephone number existing in the native transport network (the telephony device includes an identifier: MSISDN-column 3, lines 39-40. "There is an association in the switching network between this number and the MSISDN, such that incoming calls made to the virtual fixed-line number are translated to the MSISDN number" - column 2, lines 3-6. "The SCP 43 ... converts the number to an MSISDN" - column 5, line 57; see also column 8, lines 55-57. SCP 43 includes a database - column 8, line 48. HLR 44 includes a database - column 5, line 30. Therefore, SCP 43 / HLR 44 either singularly or in combination read as the claimed database).

However, Fuller and Jones et al. fail to specifically disclose that the voice-based telephone number is packet voice-based telephone number as claimed.

In analogous art, Dent discloses that the service-providing network includes a packet-switching network (IP-based communications or Internet network -paragraph 0025, especially last line).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a packet-switching network capabilities with corresponding packet voice-based telephone number in Fuller and Jones et al.'s invention because this would

enable Internet access as suggested by Dent which is very desirable.

Regarding claim 17, Fuller and Jones et al. disclose everything claimed as applied above (see claim 11). However, Fuller and Jones et al. fail to specifically disclose a packet-switching network as claimed.

In analogous art, Dent discloses that the service-providing network includes a packet-switching network (IP-based communications or Internet network -paragraph 0025, especially last line).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a packet-switching network capabilities in Fuller and Jones et al.'s invention because this would enable Internet access as suggested by Dent which is very desirable.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on Monday-Friday 9:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pierre-Louis Desir/
Examiner, Art Unit 2617

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Supervisory Patent Examiner,
Art Unit 2617

Application Number**Application/Control No.**

10/717,892

**Applicant(s)/Patent under
Reexamination**

KOCH ET AL.

Examiner

PIERRE-LOUIS DESIR

Art Unit

2617